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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/898,479

07/02/2001

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EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

01/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/898,479

Applicant(s)

LAMKIN ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-8, 10-23 and 55-61.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: PTO-892.

  
NGOC K. VU  
PRIMARY EXAMINER  
Art Unit: 2623

***Continuation of Item No. 11***

Applicant's arguments have been fully considered but they are not persuasive.

With respect to claims 56-61, applicant traverses rejections under 35 U.S.C 101 as being directed to non-statutory subject matter. Applicant asserts that 35 U.S.C 101 does not require structural or functional interrelationship with a computer. This argument is not persuasive. Claims 56-61 are directed to a software system stored on a computer readable medium comprising codes. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process. Therefore, Examiner treated these claims as computer program claims. However, the claimed software or program does not define functional interrelationships between a computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. See **MPEP Section 2106.01 [R-5] (I)**. Accordingly, claims 56-61 are rejected under 35 U.S.C 101 because the claimed invention is directed to nonstatutory functional descriptive material.

With respect to claims 2-3, applicant argues that the Kanazawa reference fails to teach "accessing content recorded onto a recording medium by calling one of a plurality of directories, the directory being suitable for use with a platform of the client device" and "the directories include additional HTML content". These arguments are not persuasive.

In general, each information recorded on an information storage medium, such as DVD, has a hierarchical file structure video information and stream data information. In Kanazawa's system, a recording medium, such as DVD, is composed of a volume film structure for managing volumes and files, a DVD video zone constituting DVD video information, and an area for files other than DVD video such as HTML files. It is further noted that DVD zone is composed of a

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video manager (VMG) and more than one DVD video title set (VTS#1 to VTS#n). The VMG includes video manger information (VMGI), a menu video object set (VOBS), and backup video manager information (VMGI). (See col. 12, lines 40+, and figure 18). That is, the DVD medium contains at least “video title set VTS” directory or DVD video zone, and HTML directory or HTML zone as shown in figure 18 of the Kanazawa reference. Furthermore, the evidence of directory structure of data files recorded on storage medium such as DVD medium comprising at least video title set VTS directory and audio title set ATS directory is disclosed in patent number 6,308,005 B1 (See figure 1). Another example of directory structure of data files recorded on storage medium comprising at least DVD-RTR directory, video\_TS directory, audio\_TS directory, and other directory for computer data storage is described in patent number 6,360,057 B1 (See figure 5). Therefore, CPU in Kanazawa’s system must read at least one of the directories in the DVD medium to access data files or information for playback, the directory is suitable for use with multimedia desktop PC, and the directories include HTLM content (See figures 17-18). A similar response is applied for the argument of claim 59.

With respect to claim 6, applicant argues that Kanazawa does not disclose the directories contain platform specific code segments. This argument is not persuasive. First, applicant does not explicitly define in the context of the claim the limitation of “platform specific code segments” in details. Second, the claim is given its broadest reasonable interpretation. That is, Kanazawa shows the video title set directory containing VMG, VTS#1, VTS#2...VTS#n, and HTML directory containing ID and URL (see figure 18).

With respect to claim 8, applicant argues that Kanazawa does not disclose “the additional HTML content is provided via a portable storage medium”. Examiner respectfully disagrees.

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Kanazawa clearly discloses that DVD medium contains HTML files in the area files other than DVD video. (See col. 12, lines 42-48).

With respect to claim 12, applicant argues that Kanazawa does not disclose “textual script scrolls with the media content”. This argument is not persuasive. Kanazawa shows in figures 18-19 a display screen that links the DVD video content with the HTML content. For example, the image of scene being reproduced by the DVD video content includes a car, the HTML content contains information about that car (see col. 15, lines 32-45 and 57-61). In other words, the HTML content scrolls or presents with the DVD video content.

With respect to claim 13, applicant argues that Kanazawa does not suggest “provide HTML content when selected navigates the user to corresponding location in the media content”. This argument is not persuasive. Kanazawa teaches displaying HTML content with moving pictures in an interlocking manner in response to user’s instruction. Particularly, the navigation manager interprets the navigation data and the instructions given by the user and determines how to reproduce the presentation data. The navigation manager takes URLs for referring to the locations of the HTML contents to be displayed for each the moving picture corresponding to the scene being reproduced. URLs referring to the locations of HTML contents related to moving pictures are embedded in navigation packs included in MPEG-2 stream in video data units in the DVD content. (See col. 11, 30-61; col. 16, lines 10-12). That is, in response to user’s instruction, the navigation manager takes URLs for referring to location of the HTML contents related to the moving pictures presently being reproduced from DVD medium. Accordingly, Kanazawa teaches selecting a portion of the HTML content navigates the user to a corresponding location in the media content. A similar response is applied for the argument of claim 21.

With respect to claim 14, applicant argues that Kanazawa does not suggest "the HTML content is in the form of an HTML page that starts a movie and checks for related Internet sites. This argument is not persuasive. Figure 19 shows displaying HTML content on a browser and displaying DVD video content in an interlocking manner during playback. As stated above, the navigation manager takes URLs for referring to location of the HTML contents related to the moving pictures presently being reproduced from DVD medium (see col. 11, lines 25-61; col. 15, lines 34-61). That is, Kanazawa teaches displaying the HTML content on browser as an HTML page associating with playing DVD video content, i.e., movie, and the checking URLs or Internet sites by navigation manager.